

**United States District Court**EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

BOBBY NEAL STOKEY,

Plaintiff,

v.

PHH MORTGAGE CORPORATION, ET  
AL.,

Defendants.

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§CIVIL ACTION NO. 4:23-CV-01101-  
ALM-AGD**MEMORANDUM ADOPTING THE REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation (“Report”) of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On March 4, 2025, the Magistrate Judge entered a Report (Dkt. #52) recommending that Defendants’ Motion to Strike Plaintiff’s Expert Witness Designation (Dkt. # 32) be granted, that Plaintiff’s designation of Reza Badiie and Penny Hafford as experts be stricken, and that Plaintiff be permitted leave to refile his expert disclosures. On March 18, 2025, Plaintiff filed an objection and attached an expert report by Ms. Hafford (Dkt. #54).

Accordingly, having received the Report of the Magistrate Judge, Plaintiff’s objection (Dkt. #54), and having conducted a de novo review, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Defendants’ Motion to Strike Plaintiff’s Expert Witness Designation (Dkt. # 32) is **GRANTED**. It is further **ORDERED** that Reza Badiie and Penny Hafford are **STRICKEN WITHOUT PREJUDICE** as experts. It is further **ORDERED** that

Plaintiff may, *within 20 days of this Memorandum*, refile the expert disclosures of Reza Badiie and/or Penny Hafford in compliance with the Federal Rules of Civil Procedure. If Plaintiff refiles the expert disclosures of Reza Badiie and/or Penny Hafford, Defendants may file a Motion to Strike within 20 days of the filing.

In reaching this conclusion, the Court considered Defendants' Unopposed Motion to Extend Time to Respond to Pending Matters (Dkt. #55). Defendants note that since Plaintiff's passing on November 11, 2024, no plaintiff has been substituted. Therefore, Defendants seek an extension of time to file objections to the Report, as well as an extension of time to respond to the pending Motion for Partial Summary Judgment (Dkt. #51), all extensions hinging on a party being substituted as plaintiff in this case.

Having considered Defendants' Motion, (Dkt. #55), it is **ORDERED** that the Motion is **DENIED** as to the portion seeking an extension of time to object to the Report. It is further **ORDERED** that Defendants Motion is **GRANTED** as to the portion seeking an extension of time to respond to the pending Motion for Partial Summary Judgment.

It is further **ORDERED** that Plaintiff shall file a Notice of Substitution of Plaintiff within 10 days of this Memorandum. It is finally **ORDERED** that if Plaintiff files a timely Notice of Substitution, Defendants shall file a response to the Motion for Partial Summary Judgment within 21 days of the filing of the Notice. If Plaintiff does not file a Notice, Defendants may file a Motion to Dismiss.

**IT IS SO ORDERED.**

**SIGNED this 27th day of March, 2025.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE